

**SB0071**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB0071**

Introduced 1/28/2015, by Sen. Jacqueline Y. Collins

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Law Enforcement Officer-Involved Death Review Act. Provides that each law enforcement agency shall adopt a policy regarding the investigation of law enforcement officer-involved deaths. Provides policy requirements, investigator qualifications, and compensation. Provides for the publication of reports of investigations when the law enforcement officer involved in the death that was investigated is not indicted for or charged with a criminal offense. Defines terms. Effective immediately.

LRB099 04077 JWD 24096 b

**A BILL FOR**

1 AN ACT concerning public safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Law  
5 Enforcement Officer-Involved Death Review Act.

6 Section 5. Definitions. As used in this Act:

7 "Law enforcement agency" or "agency" means an agency of  
8 this State or unit of local government which is vested by law  
9 or ordinance with the duty to maintain public order and to  
10 enforce criminal laws or ordinances.

11 "Law enforcement officer" or "officer" means any officer,  
12 agent, or employee of this State or a unit of local government  
13 authorized by law or by a government agency to engage in or  
14 supervise the prevention, detection, or investigation of any  
15 violation of criminal law, or authorized by law to supervise  
16 accused persons or sentenced criminal offenders.

17 "Law enforcement officer-involved death" or  
18 "officer-involved death" means a death of an individual that  
19 results directly from an action or an omission of a law  
20 enforcement officer while the law enforcement officer is on  
21 duty, or otherwise acting within the scope of his or her  
22 employment, or while the law enforcement officer is off duty  
23 but performing activities in his or her capacity as a law

1 enforcement officer or that would otherwise be within the scope  
2 of his or her duties as a law enforcement officer.

3 Section 10. Policy; requirements.

4 (a) Each law enforcement agency shall have a written policy  
5 regarding the investigation of officer-involved deaths  
6 involving law enforcement officers employed by that law  
7 enforcement agency.

8 (b) Each investigation shall be conducted by at least 2  
9 investigators. The lead investigator shall be certified by the  
10 Illinois Law Enforcement Training and Standards Board as a Lead  
11 Homicide Investigator. No investigator involved in the  
12 investigation may be employed by the law enforcement agency  
13 that employed the officer involved in the officer-involved  
14 death.

15 (c) In addition to the requirements of subsection (b) of  
16 this Section, if the officer-involved death being investigated  
17 involves a motor vehicle collision, at least one investigator  
18 shall be certified by the Illinois Law Enforcement Training and  
19 Standards Board as a Crash Reconstruction Specialist.  
20 Notwithstanding the requirements of subsection (b) of this  
21 Section, the policy for a State law enforcement agency, when  
22 the officer-involved death being investigated involves a motor  
23 vehicle collision, may allow the use of an investigator who is  
24 employed by that State law enforcement agency and who is  
25 certified by the Illinois Law Enforcement Training and

1 Standards Board as a Crash Reconstruction Specialist.

2 (d) A policy may allow the law enforcement agency to  
3 conduct its own internal investigation into the  
4 officer-involved death, provided that the internal  
5 investigation does not interfere with the investigation  
6 conducted under this Act.

7 Section 15. Compensation. Compensation for service  
8 provided to an investigation under this Act shall be determined  
9 by the law enforcement agencies involved, and may be determined  
10 in a manner consistent with existing mutual aid agreements or  
11 other intergovernmental agreements.

12 Section 20. Reports; publication.

13 (a) Investigators conducting an investigation under this  
14 Act shall, in an expeditious manner, provide a complete report  
15 to the State's Attorney of the county in which the  
16 officer-involved death occurred.

17 (b) If the case is presented to a grand jury, the  
18 investigators shall provide a complete report to the grand jury  
19 of their findings, and shall be available to testify before the  
20 grand jury as the grand jury may direct by subpoena or  
21 otherwise. If the grand jury does not indict the law  
22 enforcement officer involved in the officer-related death,  
23 notwithstanding any provision of law to the contrary, the  
24 investigators shall promptly release to the public the report

1 of their investigation.

2 (c) If the case is not presented to a grand jury and the  
3 State's Attorney determines there is no basis upon which to  
4 charge the law enforcement officer involved in the  
5 officer-involved death, notwithstanding any provision of law  
6 to the contrary, the investigators shall promptly release to  
7 the public the report of their investigation.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.